

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION AT MEMPHIS**

ALBERTRIA YOUNG,)	
)	
Plaintiff,)	
)	
vs.)	NO.
)	
THE PRUDENTIAL INSURANCE COMPANY)	
OF AMERICA,)	
)	
Defendant.)	

COMPLAINT

COMES NOW your plaintiff, Albertria Young, by and through counsel, and sues the Defendant, The Prudential Insurance Company of America (herein Prudential) and for cause of action states and show the court as follows:

1. The plaintiff, Albertria Young, is a resident of Memphis, Shelby County, Tennessee;
2. That at all times herein mentioned, Prudential is a foreign corporation with its principal place of business in the State of Connecticut. The Defendant's agent for service of process is the Tennessee Commissioner of Insurance;
3. This Court has jurisdiction pursuant to 28 USC § 1332(a). There is diversity of citizenship between the parties and the amount in controversy exceeds \$100,000.00. Therefore, subject matter exists in this cause of action;

4. This is a civil action to recover Long-Term Disability Benefits pursuant to Section 502(a) of the Employee Retirement Income Security Act of 1974 (ERISA);

5. On or about 2005, the plaintiff became a policyholder of a long-term disability policy with The Prudential Insurance Company of America. The group number is 42111 and the policy number is 4211/03GTU;

6. On or about December 14, 2009, the plaintiff became "Disabled" and eligible for benefits. The Defendant paid Short-Term Disability Benefits from January 6, 2010 until March 14, 2010;

7. On March 15, 2010, the Defendant terminated Short-Term Disability Benefits and denied the claim for Long-Term Disability Benefits;

8. The plaintiff has been diagnosed with acute venous embolism and thrombosis DBT, type 2 diabetes, diabetic neuropathy, a 60 percent ejection fraction of the left ventricle, incontinence, arthritis of the ankles;

9. On or about April 2, 2010, the plaintiff filed a request for reconsideration of Prudential's decision to deny Long-Term Disability Benefits;

10. On or about September 10, 2010, the plaintiff appealed the denial of benefits and affirming the initial decision;

11. On February 17, 2011, Prudential completed the second request for reconsideration of their decision to disallow Long-Term Disability Benefits and affirmed the initial denial of benefits;

12. The plaintiff's medical condition rendered her "Disabled" as defined in "Definition of Disability" under the group policy in question;

13. The plaintiff has appealed all denials of her application for disability benefits and all administrative remedies have been exhausted;

14. Prudential has failed and neglected to pay benefits under said policy and plan which benefits amounting to 66-2/3 of the plaintiff's gross monthly income for each month she is unable to engage in material and substantial employment duties;

15. There will be additional benefits accruing after the filing of this lawsuit as the plaintiff remains disabled.

WHEREFORE, the plaintiff prays for judgment against Prudential for all accrued benefits, for any additional month she is disabled under the policy, for pre-judgment and post-judgment interests, for attorney fees and for continuing monthly benefits.

Respectfully submitted,

/s/John E. Dunlap

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